

RESPONSE TO RESTRICTION REQUIREMENT		Docket No.	UCAL-105CIP2CON2
Address to:		Confirmation No.	7565
Mail Stop Amendment		Application No.	10/659,800
Commissioner for Patents		Filing Date	September 10, 2003
P.O. Box 1450		Examiner	R.G. Hutson
Alexandria, VA 22313-1450		Group Art Unit	1652
		Title	<i>Diacylglycerol O-acyltransferase</i>

Sir:

This communication is submitted in response to the Restriction Requirement mailed March 24, 2006. The Restriction Requirement set forth a one-month time period for response, making a response due on or before April 24, 2006. ***A Petition for a one-Month Extension of Time is submitted herewith, making this amendment due on or before May 24, 2006.***

Accordingly, this response is timely filed.

I. REMARKS

In the Restriction Requirement, the Examiner required election of one of the following groups of claims:

Group I: claims 41, 42-44, 45-47, 66, and 68-69; and

Group II: claims 41, 45-47, 66, 67, and 68-69,

where the Restriction Requirement stated that Group I claims relate to a method “using an agent that is a small molecule”; and Group II claims relate to a method “using an agent that is an antisense molecule.”

Applicants hereby elect to prosecute the claims of Group II, claims 41, 45-47, and 66-69, with traverse. As stated in the MPEP §803, if search and examination of an entire application can be made without serious burden, the examiner must examine the entire application on the merits, even though the entire application includes claims to independent or distinct inventions. It is Applicants' position that it would not be unduly burdensome to perform a search on all of the claims together in the present application. Accordingly, Applicants traverse the restriction requirement.

Applicants expressly reserve the right under 35 USC §121 to file a divisional application directed to the non-elected subject matter or any subject matter disclosed in this application during the pendency of this application.

II. CONCLUSION

The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16 and 1.17 which may be required by this paper, or to credit any overpayment, to Deposit Account No. 50-0815, order number UCAL-105 CIP2 CON2.

Respectfully submitted,
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Date: May 1, 2006

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